

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOHN RUBEO,

Supervisee.

No. 12-cr-260 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

On November 2, 2020, Supervisee John Rubeo submitted a letter to the Court responding to specified violations of the terms of his supervised release. In the letter, Rubeo represented that he “remains an active cooperator” and requested that his submission be filed under seal in light of the reference to his cooperation. (Doc. No. 84.) To ascertain, among other things, whether there was a basis for sealing, the Court issued an order directing Rubeo to clarify the nature of his cooperation and reminded Rubeo that the conditions of his supervised release prohibit him from engaging “in any active cooperation in the field without prior permission from the Court” (*see* Doc. No. 64 at 6). On November 13, 2020, Rubeo submitted a letter, under seal, clarifying that the reference to “active cooperation” in the November 2, 2020 letter was merely intended to relay that a condition of Rubeo’s supervised release requires him to continue to provide testimony and information, as requested, with respect to topics about which he has already provided cooperation; he is not engaged in proactive cooperation or active cooperation in the field.

As the Court explained in its November 17, 2020 order (Doc. No. 82), the general fact that Rubeo has cooperated with the government or that he continues to communicate from time to time with law enforcement is not, without more, a basis for sealing. *See United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995). Accordingly, IT IS HEREBY ORDERED THAT Rubeo shall file

his November 13, 2020 letter on the public docket, no later than November 20, 2020, with redactions only for the last two sentences of the letter, which reference the name and caption of a case in which Rubeo previously provided information.

SO ORDERED.

Dated: November 17, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation